

REMARKS

Claims 1 - 5, 7, 9, 11, 17 - 20, and 22 - 24 have been amended. Claim 26 has been added. No new matter has been introduced with these amendments or added claim, all of which are supported in the specification as originally filed. Claims 6, 8, 13, 21, and 25 have been cancelled from the application without prejudice. Claims 1 - 5, 7, 9 - 12, 14 - 20, 22 - 24, and 26 are now in the application.

I. **Rejection under 35 U.S.C. §103**

Paragraph 2 of the Office Action dated April 21, 2005 (hereinafter, "the Office Action") states that Claims 1 - 14 and 17 - 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Creswell et al. (U.S. 6,775,690) in view of Johnson et al. (U.S. 5,325,310). Paragraph 3 of the Office Action states that Claims 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Creswell in view of Johnson, and further in view of Lee et al. (U.S. 6,212,553). Claims 6, 8, 13, 21, and 25 have been cancelled from the application without prejudice, rendering the rejections moot as to those claims. The rejections are respectfully traversed with regard to remaining Claims 1 - 5, 7, 9 - 12, 14, 17 - 20, and 22 - 24.

Applicants respectfully submit that their independent Claims 1, 7, 18, 20, 22, and 24 contain limitations not taught or suggested by the references, as will now be discussed.

Creswell discusses, in col. 1, lines 24 - 30, messages that are time-sensitive. Creswell notes therein that "a reply to a time-sensitive message may be required by a certain date or the

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information in the message is no longer relevant.” (col. 1, lines 25 - 27). Creswell further notes that “an action or response to a message may be required within some time period, and if no response occurs during this time period, the message needs to be forwarded to other individuals or other actions need to be taken.” (col. 1, lines 27 - 31, emphasis added).

Creswell then teaches his contemplated solution to these scenarios. A method is described whereby a time-dependent message is received, and includes a plurality of time-dependent actions that could be taken (col. 1, lines 52 - 56; see also col. 2, lines 31 - 35 and col. 3, lines 39 - 44, discussing the message originator providing various alternative actions). A method is also described whereby time-dependent sending of a message to a recipient occurs, based on a time code (col. 1, lines 59 - 60; see also col. 4, lines 11 - 15, discussing a messaging server that keeps track of when each message should be delivered and then sends that message to a playback device for delivery to the recipient).

However, providing a plurality of different actions to be taken, each having its own time code (col. 3, lines 39 - 44) is different from forcing a message recipient to respond to a time-sensitive message within a time period of the time sensitivity, as is claimed in Applicants’ invention (that is, “... such that ... [the time-sensitive message] will automatically be rendered to the recipient, and the recipient will be forced to respond thereto, within a time period of the time-sensitivity”, Claim 1, lines 5 - 8, or “requiring the selected [time-sensitive message] to be rendered to the recipient, and forcing the recipient to respond thereto, within a time period of the time-sensitivity”, Claim 7, lines 9 - 10). See Creswell’s Table I, for example (col. 4, lines 22 -

44), and its corresponding text in col. 4, lines 46 - 55, explaining that -- if the recipient does not view a time-sensitive "initial message" within its "time code" (col. 4, lines 25 - 28) -- then alternative message text is to be delivered to the recipient, depending on which of several other time intervals the message is viewed in (col. 4, lines 30 - 43). In other words, Creswell's message is not required to be rendered to (or responded to by) a message recipient within its period of time sensitivity, because if this time period is missed, Creswell's approach simply substitutes another message or action. Thus, Applicants respectfully submit that their independent Claims 1, 7, 18, 20, 22, and 24 are not taught by Creswell's first-described method.

With regard to Creswell's second-described method, Creswell's teachings of time-dependent delivery (also referred to in Creswell as message release) of messages from a processor 41 at a messaging server 40 to a recipient's communications device 30 when an internal clock 42 at the messaging server 40 has a value matching a value in the message (col. 4, lines 11 - 15) are distinct from time-sensitive rendering of a message, to which Applicants' claims are directed. See, for example, p. 3, lines 9 - 15 and p. 4, lines 8 - 18 of Applicants' specification, which explains (when discussing disadvantages of prior art techniques) that messages, once received by (i.e., delivered to) a recipient, might -- or might not -- be opened with urgency. Thus, while Creswell teaches delivering a message to a recipient according to time-dependent information evaluated at the messaging server (i.e., an analysis and actions undertaken by the messaging server), there is no teaching of requiring the time-sensitive messages to be rendered, and forcing the recipient to respond thereto within a time period of the time sensitivity.

The ability of Creswell's recipient to fail to respond within the time-dependency period of a message is discussed in his specification. Suppose, for example, that Creswell's messaging server 40 determines that a message should be delivered, and provides an "on time" delivery of that message, yet the recipient chooses to ignore the received message for an arbitrarily-long time. This scenario is discussed in col. 5, line 55 - col. 6, line 2 of Creswell, which teaches that the sender may have specified other versions of the message, where one of these other versions can be sent after the initial time-dependent period has passed without receiving a timely acknowledgement from the recipient.

The Office Action cites Johnson, col. 3, line 64 - col. 4, line 2 and col. 4, lines 25 - 32. Johnson states therein that the user sending an electronic mail object "may wish to ensure that the recipient views or carefully reads the electronic mail object" (col. 3, lines 64 - 65) and "the sender may mark ... the electronic mail object such that it cannot be exited out of until the appropriate reply has been made" (col. 4, lines 28 - 31). However, requiring a reply to a rendered mail object before it can be exited out of, once it has been rendered (as in Johnson), is not the same as requiring the mail object to be rendered within a time period of its time sensitivity, and forcing the recipient to respond to the message within that time period (as in Applicants' claimed invention). For example, if Johnson's user is viewing a message 3 hours before its time sensitivity ends, Johnson requires the user to respond to the message before it can be exited out of -- even though several hours remain in the period of time sensitivity -- because Johnson teaches that what is to be considered in requiring a reply is "exiting out of" the message. On the other hand, if Johnson's user is not currently viewing any messages, and a time-sensitive

message exists which has only 3 seconds before its time sensitivity ends, Johnson does not require the user to respond before the 3 seconds pass, but merely before the user can exit from the message. Johnson's user might, for example, display the message 2 hours later, and provided the user enters a reply before exiting out of the message, then Johnson's teachings have been met; but, such reply is not "within a time period of the time sensitivity", in contrast to Applicants' claim limitations. In fact, Johnson's user may wait an arbitrary amount of time before viewing the message and may then wait another arbitrary amount of time before attempting to exit out of the message, without affecting Johnson's disclosed approach.

Applicants further respectfully submit that -- even if Creswell and Johnson were combined (assuming, *arguendo*, that one of skill in the art is motivated to attempt such combination) -- the result thereof is patentably distinct from Applicants' claimed invention. According to Creswell's first-described method, a combination of Creswell and Johnson might provide that the recipient sees some version of a message, depending on which of various time intervals has arrived, and whichever version is displayed cannot be exited out of until a reply has been provided (at some arbitrary time when the user chooses to attempt the exiting, as has been discussed above). According to Creswell's second-described method, a message is delivered to a recipient from a messaging server when the messaging server determines that a particular clock setting has been reached, but again, this message may be viewed by the recipient at a substantially later time, and Johnson requires that the user replies to the message before exiting out of it (even though, as noted above, the time period of the time sensitivity may pass before the user attempts the exiting). However, these references fail to teach that the recipient is forced to

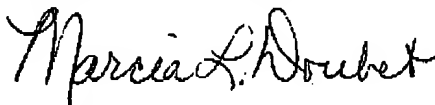
respond within a time period of the time sensitivity. This is in contrast to Applicants' claimed invention.

Accordingly, Applicants respectfully submit that their independent Claims 1, 7, 18, 20, 22 and 24, as well as dependent Claims 2 - 5, 9 - 12, 14, 17, 19, and 23, contain limitations not taught nor suggested by the references, and that any combination of the references fails to provide these limitations. With regard to Applicants' Claims 15 and 16, Applicants respectfully submit that these claims are patentable (at least) by virtue of the patentability of independent Claim 7, from which they depend. The Examiner is therefore respectfully requested to withdraw the §103 rejection of all remaining claims.

II. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,



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